

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111, and in light of the remarks which follow, are respectfully requested.

Initially, Applicants acknowledge with appreciation the indication of allowance of claims 13-24 and 26, the indication that claims 25 and 36 would be allowable if amended to overcome the rejection under 35 U.S.C. §112, second paragraph, as well as the indication that claims 2, 3, 8-12, 28, 29 and 31-33 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claims 1, 7, 8, 25, 27, 30 and 36 have been amended in response to issues raised in the Office Action. New claims 37-39 have been added. All claims have been amended to replace the words "characterized by" with terminology consistent with acceptable U.S. practice.

Claim 1 has been amended to specify that the lower end of the number-average molecular weight range is 50,000 g/mol. Support for this change may be found in the specification on page 20, last line and page 22, line 3.

Claim 27 has been amended to include the feature of claim 28. Accordingly, claim 28 has been canceled.

Claim 30 has been amended to specify that the molar ratio of polar agent:initiator is equal to or greater than 10. Support for this change may be found in the specification on page 6, line 20.

New claims 37 and 38 are directed to the species of salt deleted from claims 25 and 36. New claim 39 finds support on page 21, line 11, of the specification.

Claims 1-27 and 29-39 are now pending in this application.

Claims 8-12 were objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for the reasons set forth on page 2 of the Official Action. In response thereto, Applicants have amended claim 8 to clarify that the molecular weight range recited therein refers to the branched diene elastomer and not the linear elastomer of claim 1. Accordingly, the objection has been obviated and withdrawal thereof is requested.

Claims 25 and 36 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth on page 2 of the Office Action. Withdrawal of this rejection is respectfully requested in view of the amendments to claims 25 and 36 which have deleted the phrase ", such as sodium tert.-amylate" therefrom.

Claims 1 and 4-7 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 3,966,691 to Halasa for the reasons given on pages 3-5 of the Official Action. Claims 27, 30 and 34-36 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,140,434 to Halasa et al for the reasons discussed on pages 5 and 6 of the Action. Claims 27, 30 and 36 have been rejected under §103(a) as obvious over U.S. Patent No. 4,316,820 to Wieder et al for the reasons set forth on pages 6 and 7 of the Office Action. Reconsideration and withdrawal of these rejections are respectfully requested in view of the above amendments and for at least the reasons which follow.

Claim 1 has been amended to specify that the number-average molecular weight of the linear diene elastomer is in the range of 50,000 to 300,000 g/mol. Halasa '691 discloses a maximum molecular weight of 12,000 which is substantially below the 50,000 minimum in present claim 1. There is no suggestion in this reference of a linear diene polymer as defined in claim 1. Accordingly, the prior art rejection of claims 1 and 4-7 should be withdrawn and such action is earnestly requested.

Turning to the prior art rejection of claims 27, 30 and 34-36, Applicants have amended claim 27 to include the feature of allowed dependent claim 28. Accordingly, claim 27 is allowable over Halasa et al '434.

Claim 30 of the present application has been amended to specify that the polar agent:initiator molar ratio is at least 10. There is no suggestion in Halasa et al '434 of this feature. Accordingly, the prior art rejection of claims 27, 30 and 34-36 should be withdrawn.

Turning to the rejection of claims 27, 30 and 36 over US 4,316,820 (Wieder et al.), claim 27 has been amended to incorporate the feature of allowable claim 28. Concerning claims 30 and 36, in considering the lower endpoint of (c) to (a) which equates to a ratio (a) to (c) of 1:10 (column 2, line 51-52 of Wieder et al '820), the Office Action asserts that Wieder et al '820 would have suggested the suitability of a molar ratio of polar agent to initiator of at least 8, e.g., 10:1. Applicants emphasize that in line 52 of column 2, of Wieder et al '820, the most preferable range of a/c is from 0.5:1 to 5:1. In all the working Examples of this reference, the molar ratios of polar agent to initiator are substantially below the minimum of 10 now specified in claim 30. Thus, this reference actually teaches away from the ratios claimed by Applicants.

In view of the above, the §103 rejections over Halasa '691, Halasa et al '434 and Wieder et al '820 should be reconsidered and withdrawn. Such action is earnestly solicited.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions

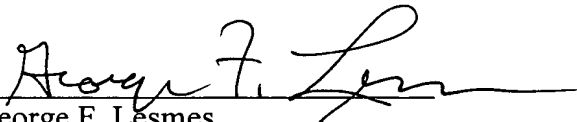
concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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